

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

**HOUSE BILL 450**

**46TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2003**

**INTRODUCED BY**

Terry T. Marquardt

**AN ACT**

**RELATING TO THE COURTS; CREATING A NEW CRIMINAL OFFENSE OF  
ASSAULT UPON A JUDICIAL OFFICER; PROVIDING PENALTIES; ENACTING  
A NEW SECTION OF THE CRIMINAL CODE.**

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:**

**Section 1. A new section of the Criminal Code is enacted  
to read:**

**"[NEW MATERIAL] ASSAULT UPON A JUDICIAL OFFICER. --**

**A. Assault upon a judicial officer consists of:**

**(1) an attempt to commit a battery upon the  
person of a judicial officer while he is in the lawful  
discharge of his duties; or**

**(2) any unlawful act, threat or menacing  
conduct that causes a judicial officer, while in the lawful  
discharge of his duties, to reasonably believe that he is in**

1 danger of receiving an immediate battery.

2 B. Whoever commits assault upon a judicial officer  
3 is guilty of a fourth degree felony.

4 C. As used in this section, "judicial officer"  
5 means a supreme court justice, a judge of the court of appeals,  
6 a district court judge, a magistrate judge, a metropolitan  
7 court judge or a municipal court judge. "

8 Section 2. EFFECTIVE DATE. --The effective date of the  
9 provisions of this act is July 1, 2003.

10 - 2 -

underscored material = new  
[bracketed material] = delete